50TH CONGRESS, 1st Session. | SENATE. | Ex. Doc. No. 265.

U.S. President, 1885-1889 (Cleveland)

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE TO

Senate resolution of August 28, 1888, relative to action touching outrages and wrongs committed by Canada upon citizens of the United States.

SEPTEMBER 12, 1888.—Read and referred to the Committee on Foreign Relations and ordered to be printed, omitting papers already in print.

To the Senate:

Responding to the inquiries contained in the subjoined resolution of the Senate of the 28th ultimo, I have the honor to state in reply to the subject first therein mentioned, calling upon the Executive for—

"copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage; and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation; also copies of any demand made by his direction upon Great Britain for the redress of such wrongs, and the replies of Great Britain to such communication and demand,"

that I herewith transmit copies of all communications between the Department of State and the United States consul at Ottawa, which are accompanied by copies of the orders of the Canadian officials in relation to the subject inquired of.

Also correspondence between the Department of State and the British minister at this capital, with copies of the documents therein referred to.

I also enclose, as connected therewith, a copy of Executive Document (No. 406, H. R., 50th Congress, 1st session) containing the answer of the Acting Secretary of the Treasury, dated July 23, 1888, in reply to a resolution of the House of Representatives relating to the navigation of the Welland Canal, and the documents thus transmitted comprise the entire correspondence in relation to the subjects referred to in that portion of the resolution of inquiry which is above quoted.

The second branch of inquiry is in the words following:

"And also that there be communicated to the Senate copies of all papers, correspondence, and information touching the matter of the refusal of the British Government, or that of any of her North American dominions, to allow the entry at dominion sea-ports of American fish, or other cargoes, for transportation in bond to the United States since the 1st day of July, 1885."

It will be remembered that though the fishing articles of the treaty of 1871 expired on the said first day of July, 1885, a temporary arrangement was made whereby the privileges accorded to our fishermen under said articles were continued during the remainder of that year's fishing season.

No instance of refusal by the Canadian authorities since July 1st, 1885, up to the present time, to allow the entry at Dominion sea-ports of American cargoes other than fish for transportation in bond across the territory of Canada to the United States has been made known to the Department of State.

The case of the fishing steamer *Novelty*, involving, among other things, a refusal, on July 1, 1886, of the right to permit the transshipment of fish in bond at the port of Pictou, Nova Scotia, was duly communicated to Congress in my message of December 8, 1886, a copy of which I herewith transmit. (Ex. Doc. No. 19, 49th Cong., 2d session, p. 1.)

On page 16 of this document will be found a copy of a communication addressed by the Secretary of State to the British minister, dated June 14, 1886, on the subject of the refusal of transshipment of fish in bond. At page 24 of the same publication will be found the protest of the Secretary of State in the case of the *Novelty*, and at pages 49–50 are the response of the British minister and report of the Canadian Privy Council.

On the 26th of January, 1887, a revised list of cases of alleged ill-treatment of our fishing vessels in Canadian waters was furnished by the Secretary of State to the Committee on Foreign Relations of the Senate, in which the above case is included, a copy of which, being Senate Executive Document No. 55, of the 2d session, 49th Congress, is herewith inclosed; and in the report by Mr. Edmunds, from the Committee on Foreign Relations (No. 1683 of the same session), the case referred to was again published. And, as relating to the subject of the resolution now before me, the following pertinent passage, taken from the said report, may be of interest:

"As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is, of course, of much importance that regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea a hundred miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be of course a serious disadvantage, and there is, it is thought, nothing in the treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that in fact the privilege of so shipping fish from American vessels has been refused during the last year."

I also respectfully refer to Senate Miscellaneous Document No. 54, 49th Cong., 2d sess., being a communication from the Commissioner of Fish and Fisheries to the Hon. George F. Edmunds, chairman of the Committee on Foreign Relations, dated February 5, 1887, which is accompanied by a partial list of vessels injuriously treated by the Canadian authorities, based upon information furnished to the United States Commissioner of Fish and Fisheries.

This list is stated to be supplementary to the revised list which had been transmitted to the committee by the Secretary of State, January 26, 1887.

Of the sixty-eight vessels comprised in this list it is stated that six, to wit, the *Nellie M. Snow*, *Andrew Burnham*, *Harry G. French*, *Col. J. H. French*, *W. H. Wellington*, and *Ralph Hodgdon*, were refused permission to transship fish. None of these cases, however, were ever reported to the Department of State by the parties interested, or were accompanied by affidavit; nor does it appear the facts ever were investigated in any of the cases by the parties making the reports, which were obtained by circulars issued by order of the Commissioner of Fish and Fisheries.

The concluding inquiry is as follows:

"And also that he communicate to the Senate what instances have occurred since the 3d of March, 1887, of wrongs to American fishing vessels, or other American vessels, in the ports or waters of British North America, and what steps, if any, have been taken in respect thereto."

Soon after the passage of the act of March 3, 1887, the negotiation which had been proceeding for several months previously progressed actively; and the proposed conference and the presence at this capital of the plenipotentiaries of the two Governments, out of which the since rejected treaty of February 7, 1888, eventuated, had their natural influence in repressing causes of complaint in relation to the fisheries. Therefore, since March 3, 1887, no case has been reported to the Department of State wherein complaint was made of unfriendly or unlawful treatment of American fishing vessels on the part of the Canadian authorities in which reparation was not promptly and satisfactorily obtained by the United States consul-general at Halifax.

A single case of alleged unjust treatment of an American merchant vessel, not engaged in fishing, has been reported since March 3, 1887. This was the ship *Bridgewater*, which was first brought to the attention of the Department of State by the claimant by petition filed June 1, 1888.

On June 18, 1888, legal counsel, who appeared and desired to be heard, filed their formal authority, and the claim was at once duly investigated, and on June 22, 1888, a communication was addressed by the Secretary of State to the British minister, which sets forth the history of the claim, and a copy of which is herewith transmitted; and of this formal acknowledgment was made, but no further reply has been received.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 12, 1888.

IN THE SENATE OF THE UNITED STATES,
August 28, 1888.

Resolved, That the President of the United States be requested, if not in his judgment incompatible with the public interest, to communicate to the Senate copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage; and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation; also copies of any demand made by his direction upon Great Britain for the redress of such wrongs, and the replies of Great Britain to such communication and demand.

"And also that there be communicated to the Senate copies of all papers, correspondence, and information touching the matter of the refusal of the British Government, or that of any of her North American dominions, to allow the entry at dominion sea-ports of American fish, or other cargoes, for transportation in bond to the United States since the 1st day of July, 1885. And also that he communicate to the Senate what instances have occurred since the 3d of March, 1887, of wrongs to American fishing-vessels, or other American vessels, in the ports or waters of British North America, and what steps, if any, have been taken in respect thereto."

IN THE SENATE OF THE UNITED STATES,
September 7, 1888.

Resolved, That the attention of the President be respectfully called to the resolution of the Senate adopted August 28 ultimo, requesting him to communicate to the Senate copies of all communications addressed by his direction to the Government of Great Britain, remonstrating against certain unfair treatment of our citizens, and that he be requested to furnish such information as soon as possible, in order that it may be considered in acting upon legislation now pending.

LIST OF INCLOSURES.

1. Mr. Hotchkiss to Mr. Rives, January 7, 1888.
2. Mr. Hotchkiss to Mr. Rives, April 30, 1888.
3. Mr. Fairchild to Mr. Bayard, July 10, 1888.
4. Mr. Bayard to Sir L. West, July 21, 1888.
5. Sir L. West to Mr. Bayard, August 13, 1888.
6. House Ex. Doc. No. 406, 1st session 50th Cong.
7. House Ex. Doc. No. 19, 2d session 49th Cong.
8. Senate Ex. Doc. No. 55, 2d session 49th Cong.
9. Senate Mis. Doc. No. 54, 2d session 49th Cong.
10. Mr. Bayard to Mr. Edwardes, June 22, 1888.

No. 1.

Mr. Hotchkiss to Mr. Rives.

COMMERCIAL AGENCY OF THE UNITED STATES,
Ottawa, January 7, 1888.

HON. GEORGE L. RIVES,
Assistant Secretary of State, Washington, D. C.:

SIR: I have the honor to transmit to the Department as inclosures herewith, first, a copy of the printed "rates of toll" on the Dominion canals, also covering the conditions thereof; second, a certified copy of an "order in council" under date of March 28, 1887, relating thereto; third, a like "order in council" of date of June 13, 1887, further modifying the conditions of payment of tolls.

I am informed by the commissioner of internal revenue that these comprise all the existing tariffs, rules, and regulations relating to the traffic on the Dominion canals.

I am likewise assured by the minister of customs that there are no regulations of customs entries which are not entirely governed by the last proviso of section 112 of the "consolidated customs act of 1886," which I find to read:

And provided also, That vessels merely passing through any of the Canadian canals without breaking bulk shall not be liable to such fees (entry fees).

* * * * * * *

I am, sir, etc.,

THOS. W. HOTCHKISS,
U. S. Commercial Agent.

[L. 2.—Inland revenue.]

The canals of the Dominion of Canada—rates of toll, 1883.

[Tariff of tolls to be levied on vessels and cargoes passing through the Dominion canals, 1883.]

The rates of tolls are divided into five classes, as under, and are per ton, unless otherwise specified.	Passing westward through the Welland Canal only.	Passing eastward through the Welland Canal only.	Lake Erie to Montreal.	St. Lawrence Canals each way.	Chambly Canal and St. Ours Locks, each way.	Burlington Bay Canal, each way.	Rideau Canal, each way.	Ottawa Canals and St. Anne's Lock, each way.	Ottawa to St. John's, each way.
CLASS No. 1.									
Vessels, steam ..... per ton..	$0 01½	$0. 01½	$0. 02¼	$0. 00¾	$0. 00¾	$0. 01	$0. 01½	$. 000⅝	$0. 01½
Vessels, sail and other ..... do....	.02¼	.02¼	.03⅜	.01½	.01¼	.01	.02¼	.01	.02⅝
CLASS No. 2.									
Passengers 21 years of age and upwards, each.	.10	.10	.20	.10	.05		.08	.02¼	.09¾
Passengers under 21 years of age, each	.05	.05	.10	.05	.02		.04	.01¼	.04½
CLASS No. 3.									
Bricks, cement, and water lime									
Clay, lime, and sand									
Brimstone									
Corn									
Flour									
Iron:									
Railway									
Pig									
All other									
Plaster, gypsum	15	.20	.20	.15	.10		.07	.06	.19¾
Salt									
Salt meats or fish, in barrels or otherwise ..									
Agricultural products, vegetables, not enumerated.									
Agricultural products, animal, not enumerated.									
Stone, for cutting									
Wheat									

Free under O. C. of April 1, 1873.

The canals of the Dominion of Canada—rates of toll, 1883—Continued.

The rates of tolls are divided into five classes, as under, and are per ton, unless otherwise specified.	Passing westward through the Welland Canal only.	Passing eastward through the Welland Canal only.	Lake Erie to Montreal.	St. Lawrence Canals each way.	Chambly Canal and St. Ours Locks, each way.	Burlington Bay Canal, each way.	Rideau Canal, each way.	Ottawa Canals and St. Anne's Lock, each way.	Ottawa to St. John's, each way.
CLASS No. 4.									
All other articles, not enumerated	$0.15	$0.20	$0.20	$0.20	$0.10		$0.26	$0.14	$0.29
CLASS No. 5.									
Bark	.20	.20	.20	.15	.10		.07	.06	.19¼
Barrels, empty, each	.02	.02	.02	.02	.02		.02	.01	.03½
Boat knees, each	.05	.05	.05	.02	.02		.02	.01	.03½
Floats, per M lineal feet	1.40	1.40	1.40	1.40	1.20		1.05	.50	2.05
Fire-wood, per cord:									
In vessels	.20	.20	.20	.20	.10		.15	.08	.23
In rafts	.25	.25	.25	.25	.15		.19	.09	.30¼
Hoops	.25	.25	.25	.20	.15		.15	.10	.30
Masts and spars, telegraph poles, per ton of 40 cubic feet:									
In vessels	.15	.15	.15	.05	.05		.08	.07	.13½
In rafts	.20	.20	.20	.10	.10		.15	.10	.22½
Railway ties:									
In vessels, each	.01	.01	.01	.00½	.00½		.00¾	.00¾	.01⅜
In rafts, each	.02	.02	.02	.01	.01		.02	.01	.02¼
Sawed stuff, boards, plank, scantling, and sawed timber, per M feet, board measure:									
In vessels	.30	.30	.30	.15	.10		.11¼	.06¾	.20
In rafts	.60	.60	.60	.30	.20		.19	.09	.36½
Square timber, per M cubic feet:									
In vessels	3.00	3.00	3.00	1.00	1.00		.56	.44	1.69
In rafts	4.50	4.50	4.50	2.00	2.00		1.12	.63	3.13
Wagon stuff, woodenware and wood partly manufactured, per ton of 40 cubic feet	.40	.40	.40	.40	.25		.30	.20	.55
Shingles, per M	.06	.06	.06	.06	.04		.04½	.02½	.08
Split posts and fence rails, per M:									
In vessels	.40	.40	.40	.40	.20		.23	.12	.42
In rafts	.80	.80	.80	.80	.40		.38	.17	.77
Saw logs, each standard log	.08	.08	.08	.08	.05		.06	.06	.13
Staves and headings:									
Barrels, per M	.40	.40	.40	.20	.15		.15	.10	.30
Pipe, per M	1.50	1.50	1.50	1.00	1.00		.75	.50	1.75
W. India, per M	.75	.75	.75	.60	.25		.45	.25	.65
Salt barrels, sawn or cut, per M	.08	.08	.08	.04	.03		.03	.02	.06
Traverses, per 100 pieces	.50	.50	.50	.50	.40		.38	.15	.67½
Hop poles, per 1,000 pieces	2.00	2.00	2.00	2.00	1.50		1.50	.65	2.65
SPECIAL CLASS.									
Gypsum, crude (per O. C., 28th Oct., 1882)	.15	.05	------	.05	West	ward.	------	------	------
Coal	.20	.20	.20	.15	.10		.08	.05	.17¾
Stone, unwrought, corded, and not suitable for cutting, per cord	.75	.75	.75	.60	.37½		.28	.24	.77½
Iron ore, kryolite or chemical ore	.05	.05	.05	.05	.05		.05	.05	.05
Ice	.05	.05	.05	------	------		------	------	------

Free under O. C. of April 1, 1873.

Coal to pass up all canals, except the Welland Canal, free of toll, as per order in council, June 7, 1869.

Logs, lumber, or other produce shall pass free of toll down the Chippewa Creek between the Aqueduct and Fort Robinson as per order of council, May 18, 1863.

Iron ore, kryolite, or chemical ore, through one section, or all the canals, per ton, 5 cents.

All goods having paid full toll through the whole line of the St. Lawrence Canals, or through the Lachine Canal, St. Ann's Lock, or Ottawa and Rideau Canals, shall be allowed to pass free through the Welland Canal; and if tolls have been paid at the Chambly Canal, such tolls shall be refunded at Montreal or Kingston Mills; and having paid full tolls through the Welland Canal, they shall be allowed to pass free through the St. Lawrence Canals, or through the Ottawa and Rideau Canals, St. Ann's Lock, the Lachine Canal, and the Chambly Canal, provided always: That the articles to be entitled to the above exemptions shall go downwards through the whole length of the canal to Montreal, or pass upward from Montreal through the whole length of the St. Lawrence Canals or the Ottawa and Rideau Canals to Lake Ontario.

All articles, goods, or merchandise not enumerated above to be charged to Class No. 4.

No "let passes" to be issued to steam tugs or other small vessels for less than 25 cents as a minimum charge, but such vessels not carrying freight or passengers can obtain, on payment of $30, a season "let pass," which will pass them up and down the canal as often as desired.

Goods shipped to any port west of the St. Lawrence Canals, tolls upon which have already been paid for passage through such canals, may be re-shipped from such ports and be passed through the Welland Canal free of tolls, in the same way as if they had been shipped through direct in the first instance; and goods going eastward, having paid Welland Canal tolls, may be trans-shipped at any port on Lake Ontario, and thereafter pass free through the St. Lawrence Canals, as if they had been shipped through direct in the first instance.

Standard for estimating weights.

	Tons.
2,000 lbs. avoirdupois	1
Per M. is per thousand feet.	
Per Mille is per thousand pieces.	
Green fruit, 9 barrels are	1
Ashes, 3 barrels are	1
Bark, 4 cords	1
Beef, 7 barrels	1
Biscuit and crackers, 9 barrels	1
Bricks, common, 1,000	2
Butter, 22 kegs or 7 barrels	1
Cattle, 3	1
Cement and water lime, 7 barrels	1
Fire-bricks, 1,600	3
Fish, 7 barrels	1
Flour, 9 barrels	1
Gypsum and manganese, 6 barrels	1
Horses, 2	1
Lard and tallow, 7 barrels or 22 kegs	1
Liquors and spirits, 215 gallons	1
Liquors, all others, 215 gallons	1
Nuts, 9 barrels	1
Oysters, 6 barrels	1
Pork, 7 barrels	1
Salt, 7 barrels	1
Seeds, 9 barrels	1
Sheep, 20	1

	Tons.
Stone, 12 cubic feet	1
Stone, 1 cord	7½
Whisky, 4 barrels or 215 gallons	1
Empty barrels, 10	1
Barrel hoops, 10 mille	1
Board and other sawed lumber, 600 feet board measure	1
Boat knees, 4	1
Fire-wood, 1 cord	3
Hoop poles, 60, or 40 cubic feet	1
Shingles, 12 M. or bundles	1
Split posts and fence rails, 1 mille	1
Staves and headings, pipe, 1 mille is	8
Staves and headings, West India, 1 mille is	4
Staves and headings, barrel, 1 mille	2½
Staves and headings, salt barrel, 1 mille	½
Saw logs, standard 1	⅞
Square timber, 50 cubic feet	1
Telegraph poles, 10, or 40 cubic feet	1
Masts and spars, 40 cubic feet	1
Railroad ties, 16, or 50 cubic feet	1
All other woodenware, or partly manufactured wood, 40 cubic feet, as per tariff	1
Traverses, 40 cubic feet, or 5 pieces	1
Floats, 50 lineal feet	1

NOTE.—By the weights and measures act of 1873, the following articles are to be estimated by the cental of 100 lbs., viz, barley, beans, charcoal, corn, oats, pease, potatoes, rye, salt, seeds, and wheat.

ST. PETER'S CANAL.

On each and every vessel passing through the said canal, two cents per ton on the vessel, and one cent per ton on the freight each way.

BOBCAYGEON, PETERBOROUGH, AND HASTINGS LOCKS.

Bobcaygeon Lock.

	Cents.
For every lockage of saw log or other cribs	50
For every lockage of saw logs on scows, per log	¼
For every lockage of ties or cedar posts, per 100 pieces	25
For every lockage of sawed lumber, per M feet	1
For cord-wood, shingle botts, or other merchandise, per cord	5
For every lockage of ore, per ton	1

Peterborough Locks.
Same as Bobcaygeon.

Hastings Locks.
Same as Bobcaygeon.

The following way rates to be levied on vessels and property passing the several subdivisions of the canals:

WELLAND CANAL.

	Rate.
1. From Port Maitland, Dunnville, and Port Colborne to Port Robinson or Allanburg, not passing the lock, each way	½
2. From Chippawa Cut, or any part thereof, to Dunnville, Port Maitland, or Port Colborne	⅝
3. From Dunnville to Port Colborne	⅛
4. From Thorold to St. Catharines or Port Dalhousie	⅛
5. From Maitland, Dunnville, Colborne, or Port Robinson to Marshville and intermediate places	⅜
6. From Marshville or intermediate places to Port Maitland, Dunnville, Port Colborne, and Port Robinson	⅜
7. From Port Robinson to Allanburg or Thorold	⅜
8. From Port Robinson to St. Catharines or Port Dalhousie	⅛
9. From St. Catharines to Port Dalhousie	⅛
10. From Dunnville to Maitland	¼
11. From Port Robinson, through the lock and Chippawa Cut	¼
12. From Port Colborne to Port Maitland	⅛
13. From Chippawa Cut through lock to Port Robinson	¼
14. From Colborne, Dunnville, Maitland, and Marshville to Thorold	⅝
15. From Colborne, Dunnville, Maitland, and Marshville to St. Catharines	⅜
16. Through the Chippawa Cut only	⅛
17. Through the Port Robinson lock only	⅛

ST. LAWRENCE CANALS.

The navigation to be divided into four sections, viz: Cardinal, Cornwall, Beauharnois, and Lachine. Tolls to be levied on all vessels and property in proportion to the number of sections passed through.

CHAMBLY CANAL.

Vessels and property passing from Sorel to Chambly, to pay ..... ¼
Vessels and property passing from Chambly to St. John's, to pay ..... ¾

OTTAWA CANALS.

The navigation to be divided into three sections, viz: Grenville, Carillon, and St. Annes. Tolls to be levied on all vessels and property in proportion to the number of sections passed through.

RIDEAU CANAL.

The navigation of this canal is divided into three sections: "Ottawa," "Smith's Falls," and "Kingston Mills." Vessels and freight passing one section to be charged one-third; two sections two-thirds.

GENERAL.

Any fraction of a ton freight to be charged 1 ton, and portions of sections to be charged as a whole section on all the above canals.

The passing of saw logs or other lumber through any of the canals or sections thereof is to be at all times governed by the regulations for their management.

HARBOR DUES.

Vessels receiving or discharging freight at the premises of the Welland Railway, at Ports Colborne or Dalhousie, are to be free from harbor dues; but all other vessels discharging or receiving cargo at Port Dalhousie, Port Colborne, or Port Maitland, shall pay on every ton of freight so received or discharged 2 cents.

The above tariff of tolls was established by an order of His Excellency the Governor General in council, dated 23d June, 1883.

E. WIALL,
Commissioner, I. R.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council, on the 28th March, 1887.

[SEAL.]

On a memorandum, dated 26th March, 1887, from the minister of railways and canals, recommending that for the forthcoming season of navigation, and no longer, the rate of toll to be paid for the passage through the Welland and St. Lawrence Canals only, of the under-mentioned food products, when shipped for Montreal or any other Canadian port east of Montreal, be fixed at 2 cents per ton, namely: Wheat, Indian corn, pease, barley, and rye.

The committee submit the above recommendation for your excellency's approval.

JOHN J. MCGEE,
Clerk, Privy Council.

[11. Canals. Inland revenue. G. 221.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council, on the 13th June, 1887.

On a memorandum, dated 9th June, 1887, from the minister of railways and canals, representing that by an order in council of the 28th March, 1887, a special reduced rate has been granted for the current season in the case of wheat, Indian corn, pease, barley, and rye for passage through the Welland and St. Lawrence Canals, when shipped for Montreal or for any other Canadian port east of Montreal, this rate being 2 cents per ton, covering all those canals.

The minister further represents that under the ordinary rates all goods on which full tolls have been paid for passage through the Welland are entitled, provided they go downwards the whole distance to Montreal, to free passage through the St. Lawrence Canal system; such goods, however, if they enter the St. Lawrence system and do not pass through to Montreal are not exempt, but pay the full local toll, 3¾ cents for each section entered out of the four sections into which this system is divided.

The minister recommends that in the case of the food products above enumerated they shall be entitled to exemption even if they do not traverse the whole of the distance to Montreal, and that, having paid full tolls for passage through the Welland Canal, they shall be free from any further toll on the St. Lawrence Canals.

The committee submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk, Privy Council.

No. 2.

Mr. Hotchkiss to Mr. Rives.

UNITED STATES CONSULATE,
Ottawa, April 30, 1888.

SIR: I have the honor to transmit, as inclosure herewith, two "orders in council," regulating the tolls and rebate of tolls, etc., on certain cereals, etc., passing through the Welland and St. Lawrence Canals.

* * * * * * *

I am, etc.,

THOMAS W. HOTCHKISS,
U. S. Consul.

[13. Canals. Cereals. Inland revenue. G. 251.]

GOVERNMENT HOUSE, OTTAWA,
Friday, the 20th day of April, 1888.

Present: His excellency the Governor-General in council.

On the recommendation of the minister of railways and canals, and under the provisions of the thirteenth section of chapter 37 of the revised statutes of Canada, intitutled "An act respecting the department of railways and canals;"

His excellency in council has been pleased to order, and it is hereby ordered, that the special rates of toll of two (2) cents per ton adopted last year for the passage through the Welland and St. Lawrence Canals of certain cereals, wheat, Indian corn, peas, barley, and rye, when shipped for Montreal, or for any other port east of Montreal, be continued during the forthcoming season of navigation and no longer, such toll covering the Welland and the St. Lawrence Canals.

His excellency has been further pleased to order the continuance, for the same period only, of the arrangement under which the said food products, if they have paid the ordinary full tolls for passage through the Welland Canal, shall be entitled to exemption from payment of any further toll for passage through any portion of the St. Lawrence Canal system, even if not traversing the whole distance to Montreal.

JOHN J. McGEE,
Clerk Privy Council.

[12. Canals. Inland Revenue. G. 245.]

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 1st day of February, 1888.

Present: His excellency the governor-general in council.

Whereas the minister of railways and canals reports that under the provisions of the existing tariff of tolls on the Dominion canals, established by an order in council of the 23d June, 1883, an undesirable discrimination is in force between iron and steel for passage through the St. Lawrence canals, iron being specified in class 3 and charged 15 cents per ton, while steel, not being classified, specially comes under "class 4," namely, "all other articles not enumerated," and is charged 20 cents per ton;

His excellency in council, on the recommendation of the minister of railways and canals and under the provisions of the thirteenth section of chapter 37 of the Revised Statutes of Canada, intituled "An act respecting the department of railways and canals," has been pleased to order, and it is hereby ordered, that the said order in

council of the 23d June, 1883, establishing the tariff of the tolls on the canals of the Dominion, be and the same is hereby modified so as to place "steel" in the same category as "iron," making the charge thereon 15 cents per ton.

JOHN J. McGEE,
Clerk Privy Council.

MEMO.—All canal circulars issued since the publication of G. 212, "pamphlet of regulations," are to be attached to that pamphlet as supplements.

E. M.

No. 3.

Mr. Fairchild to Mr. Bayard.

TREASURY DEPARTMENT,
Washington, July 10, 1888.

The honorable the SECRETARY OF STATE:

SIR: I have the honor to transmit herewith for your information, and for such action as you may deem proper, an extract from the last annual report addressed to me by the Commissioner of Navigation, relating to an alleged discrimination by the Canadian Government in the matter of the navigation of the Welland Canal against American ports, American railroads and canals, and American vessels.

It is understood that the discrimination still exists.

The British Government undertook, in article 27 of the treaty of Washington, to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion. But such equality does not exist in all respects.

Would it not be advisable to bring the matter to the attention of the British Government with a view to securing, if practicable, the abrogation of the objectionable regulations now existing upon the subject?

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The Welland Canal.

Some complaint has been made in regard to an order of the governor-general of Canada levying tax or toll on all wheat, Indian corn, maize, barley, and rye passing through the Welland Canal in American bottoms.

It was alleged that the toll on grain is fixed at 20 cents per ton on all American vessels passing through the St. Lawrence system of canals from one American port to another, but that on grain from a Canadian port destined to another Canadian port the tolls have been reduced the entire length of the canal system. On the other hand Canadian vessels passing through the Sault Canal are allowed all the privileges of American vessels, and are absolutely free of toll. Reciprocity seems to demand similar action on the part of the Canadian Government, or at least that American vessels should be admitted through Canadian canals without the payment of any fees or taxes in excess of the fees and taxes levied on Canadian vessels under similar circumstances. The complaint as to discrimination against American vessels has been investigated by this office, through the several collectors of customs on the northern frontier. The substance of the statements received is to the effect that discrimination does not exist except in the case of grain passing through the Welland Canal destined for American ports on Lake Ontario.

The following memorandum received from the collector of customs at Buffalo, N. Y., shows the rates charged:

Memorandum of rates of tolls on the Welland Canal, Canada.

Rates of tolls and classes.	Passing westward through Welland Canal only.	Passing eastward through Welland Canal only.	Lake Erie to Montreal.
Class No. 1.			
Vessels:			
Steam, per ton	$0.01½	$0.01½	$0.02¼
Sail and other, do	.02¼	.02¼	.03½
Class No. 2.			
Passengers:			
21 years of age and upward, each	.10	.10	.20
Under 21 years, do	.05	.05	.10
Class No. 3.			
Brick, cement, and water-lime			
Clay, lime, and sand			
Brimstone			
Corn			
Flour			
Iron:			
Railway			
Pig			
All other	.15	.20	.20
Plaster, gypsum			
Salt			
Salt meats or fish in barrels or otherwise			
Agriculture products:			
Vegetable not enumerated			
Annual not enumerated			
Stone for cutting			
Wheat			
Class No. 4.			
All other articles not enumerated	.15	.20	.20
Class No. 5.			
Bark	.20	.20	.20
Barrels, empty, each	.02	.02	.02
Boat-knees, do	.05	.05	.05
Floats, per 1,000 linear feet	1.40	1.40	1.40
Fire-wood:			
In vessels, per cord	.20	.20	.20
In rafts, do	.25	.25	.25
Hoops	.25	.25	.25
Masts and spars, telegraph poles, per ton or 40 cubic feet in vessels	.15	.15	.15
Railway ties:			
In vessels, each	.01	.01	.01
In rafts, do	.02	.02	.02
Sawed stuff, boards, plank, scantling, and sawed timber:			
In vessels, per M feet B. M.	.30	.30	.30
In rafts, do	.60	.60	.60
Square timber:			
In vessels, per M cubic feet	3.00	3.00	3.00
In rafts, do	4.50	4.50	4.50
Wagon stuff, wooden ware, and wood partially manufactured, per ton of 40 cubic feet	.40	.40	.40
Shingles, per M	.06	.06	.06
Split posts and fence rails:			
In vessels, per M	.40	.40	.40
In rafts, do	.80	.80	.80
Saw-logs, each standard log	.08	.08	.08
Staves and heading:			
Barrels, per M	.40	.40	.40
Pipe, do	1.50	1.50	1.50
West Indian, do	.75	.75	.75
Salt-barrels, sawed or cut, do	.08	.08	.08
Traverses, per 100 pieces	.50	.50	.50
Hop-poles, per 1,000 pieces	2.00	2.00	2.00
Special class.			
Gypsum, crude	.15	.05	----------
Coal	.20	.20	.20
Stone, unwrought, corded, and not suitable for cutting, per cord	.75	.75	.75
Iron ore, kryolite or chemical ore	.05	.05	.05
Ice	.05	.05	.05

No. 4.

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE,
Washington, July 21, 1888.

SIR: I have the honor to inclose herewith a copy of a letter from the Treasury Department of the 10th instant, in relation to an alleged discrimination against American vessels passing through the Welland Canal.

By the 27th article of the treaty of Washington, Her Majesty's Government undertook to urge upon the Government of the Dominion of Canada to grant citizens of the United States the use of Welland and other canals on terms of equality with the inhabitants of the Dominion. On the other hand, the Government of the United States promised to secure as far as possible reciprocally equal treatment of inhabitants of the Dominion using canals in the United States connected with the lake system of transportation. The Department is informed that such equality of treatment now exists in the United States.

I will thank you to bring this matter to the attention of the Canadian Government.

I have, etc.,

T. F. BAYARD.

(Inclosure: Mr. Fairchild to Mr. Bayard, July 10, 1888.)

No. 5.

Sir L. West to Mr. Bayard.

BEVERLY, MASS., *August* 13, 1888.

SIR: I have the honor to communicate to you herewith copy of an approved minute of the privy council of Canada, relative to the tolls levied by the Dominion authorities on vessels passing through the Welland Canal.

I have, etc.,

L. S. SACKVILLE WEST.

Certified copy of a report of a committee of the honorable the privy council for Canada.

At the present time the tolls chargeable on all goods and merchandise passing through the Welland Canal bound for any Lake Ontario port are the same, whether, for example, the destination of such merchandise be Toronto or Prescott on the north or Oswego or Ogdensburgh on the south.

Wheat and certain other cereals pay 2 cents per ton for passage through both the Welland and St. Lawrence Canals system to Montreal, or to any point on the St. Lawrence Canal system short of Montreal, without discrimination, whether to ports on north or south shore, and that the same cereals shipped from any port on Lake Ontario, whether American or Canadian, to Montreal, pay 2 cents per ton for passage through the whole of the St. Lawrence Canals.

No. 10.

Mr. Bayard to Mr. Edwardes.

DEPARTMENT OF STATE,
Washington, June 22, 1888.

SIR: I have the honor to bring to the attention of Her Majesty's Government the case of the American ship *Bridgewater*, which was seized by the customs authorities at Shelburne, Nova Scotia, on the 27th of July, 1887, and detained in custody until the 15th of the following October, a period of eighty-one days, when she was unconditionally released.

The facts in the case are that the *Bridgewater* cleared from St. John's, New Brunswick, on the 1st of April, 1887, with a cargo of deals for Penarth Roads, Great Britain. On the 5th of the same month, having been disabled by a storm and extensively damaged, she put into Shelburne, Nova Scotia, for repairs, was surveyed and condemned and her cargo discharged.

In the meantime, however, Capt. John H. Allen, the agent for Mary Warren Allen, the owner of the vessel, having arrived, refused to accept the survey of condemnation and advertised the vessel for sale.

On the 8th of June the ship was put up at public sale, but as no bid was made, or any that was acceptable, she was bid in by Captain Allen as agent of the owner, and having been thus unable to effect a sale of the ship, he proceeded to repair her.

The repairs were proceeding and, as is alleged, were nearly completed, when, on the 27th of July, the vessel was seized by Collector Atwood, of Shelburne, for non-payment of duty as for goods entered and sold under the Dominion statute 46, Victoria Cap. 12, sections 41 and 60, which read as follows:

41. The person entering any goods inwards shall deliver to the collector or other proper officer an invoice of such goods, showing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased and a full description thereof in detail, giving the quantity and value of each kind of goods so imported and a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, and if imported by water the name of the vessel and the master and of the place to which bound and of the place within the port where the goods are to be unladen, and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce, or manufacture.

"60. Goods derelict, flotsam, jetsam, or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to."

It is unnecessary for me to give a construction to these provisions in order to show that they could have no relation to the case of the *Bridgewater*, a vessel compelled to enter in distress and undergo repairs by her owner, out of whose hands she had never passed up to the time of her seizure for non-payment of duties, because that such is the clear opinion of the Canadian authorities unmistakably appears.

Captain Allen formally protested against the seizure of the ship, but without avail, until the 16th of September, when the consul of the United States at Shelburne received from the acting minister of customs at Ottawa the following telegram:

Allen can repair and take vessel away. If he requires Canadian register, will have to pay duty.

A. W. McLELAN,
Acting Minister of Customs.

On the 22nd of September Collector Atwood offered to release the vessel on condition that her owner abandon all claim against the Canadian Government or its officials for the seizure and detention. This Captain Allen, acting for the owner, refused to do.

The vessel was not released till the 15th of October, and then unconditionally.

No Canadian register was ever applied for or issued, and she sailed from Shelburne under her American papers.

The owner has since presented a claim for damages by reason of the wrongful seizure and detention of the ship, amounting to something over twenty thousand dollars, to the government at Ottawa, but has failed to secure its recognition; and Captain Allen has been informed by the minister of customs that his principal has no redress in the courts against any of the officers of the Crown.

Should the facts as herein stated be ascertained to be correct (and there appears to be little room for doubt), it is hoped that the justice of the claim now presented will be recognized and proper compensation awarded.

I have not thought it necessary to enter into any elaborate argument in regard to the law of the case, as it appears to be admitted that there was no warrant for the seizure and detention of the *Bridgewater* under the customs laws of Canada, and since no government has more readily accorded or more consistently contended for the rights of vessels in distress to seek shelter and repairs than that of Her Majesty.

I have the honor to be, etc.

T. F. BAYARD

The Honorable HENRY G. EDWARDES, etc.